S.B. CIVIL WRIT PETITION NO.903/2006
(Bhanwar Lal vs. State of Raj. & Ors.)

Date :: 05.06.2006

HON'BLE MR.JUSTICE DINESH MAHESHWARI, VJ.

Mr.Manish Dadhich, for the petitioner.

On 10.04.2006 this Court noticed the facts as well as the circumstances surrounding this matter and found that the Appellate Court by its order dated 27.10.2005 directed both the parties to maintain status quo and at the same time expected from the trial court to try the suit expeditiously and to decide the same within six months. It was noticed that after passing of the said order dated 27.10.2005 by the Appellate Court, the Presiding Officer of the trial court being on leave on 19.12.2005 an order sheet was drawn adjourning the case for framing of issues to the date of 24.04.2006 and fixing of such date was practically nullifying the very directions of the Appellate Court for disposal of the suit within six months from 27.10.2005.

In these circumstances, this Court while issuing notice directed the Presiding Officer of the trial court to inform as to when the Appellate Court's order was received and in what circumstances such a date was fixed? This Court required thus,-

> "It shall be required of the learned Presiding Officer of the trial court to inform as to when the order of the appellate court was received by the trial court and to explain as to in what circumstances such a date was fixed which practically amounts to nullifying the directions of the appellate court."

In the interest of justice, it was also directed that the directions of the Appellate Court for deciding the suit within six months from 27.10.2005 would stand modified substituting this period as "seven months" instead of "six months". It was also required of the trial court to carry out the directions and to explain if the suit was not decided within seven months from 27.10.2005.

The matter was placed before the Court on 01.06.2006 and notice of respondent No.3 was reported to be awaited. The compliance of the requirements of order dated 10.04.2006 being not available on record, the Dy. Registrar (Judicial) was directed to ensure seeking of the report from the trial court and the matter was posted to 02.06.2006. The Dy. Registrar (Judicial) on the basis of telephonic information reported that the original suit itself has been decided on 26.05.2006. In this view of the matter, this Court was of the view that nothing further survived so far the subject matter of this writ petition was concerned. However, on 02.06.2006 learned counsel for the petitioner being not available, the matter was posted today.

Learned counsel Mr.Dadhich appearing for the petitioner today concedes that the suit itself having been decided on 26.05.2006, nothing survives in this writ petition relating to the matter of grant of temporary injunction during the pendency of the said suit and the petition has become infructuous. The writ petition is, therefore, dismissed as having become infructuous.

However, it is noticed that the learned Presiding Officer of the trial court has not taken care to carry out all the requirements of the order dated 10.04.2006 and has not sent the information required by the said order, as quoted hereinabove. In this view of the matter, let a copy each of the order dated 10.04.2006 and of this order be sent to the learned District Judge, Churu to take note of the matter and to ensure compliance and to send specific report within three weeks to the Registry of this Court. A copy of this order be also sent to the Registrar General of this Court.

[DINESH MAHESHWARI],VJ.

Ashwini/-